DOCUMENT RESUME

ED 250 079 PS 014 647

AUTHOR Everett, Joyce
TITLE Patterns and Implications of Child Support and Enforcement Practices for Children's Well-Being. Working Paper No. 128.
INSTITUTION Wellesley Coll., Mass. Center for Research on Women.
SPONS AGENCY National Science Foundation, Washington, D.C.
PUB DATE 84
NOTE 18p.
AVAILABLE FROM Wellesley College Center for Research on Women, Wellesley, MA 02181 ($2.50).
PUB TYPE Information Analyses (070)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Children; Compliance (Legal); Demography; *Divorce; Fathers; *Financial Support; *Law Enforcement; Literature Reviews; One Parent Family; *Parent Child Relationship; Parent Participation
IDENTIFIERS *Child Support; *Visitation Rights

ABSTRACT

This document reviews empirical studies concerning the enforcement of the child support obligation and describes recent research on coparental interactions and father/child visitations. The discussion begins with an overview of the incidence of child support awards among demographically eligible women and then focuses on research on factors determining fathers' payment performance. Chambers' (1979) study of payment patterns of divorced males in Genessee County, Michigan is emphasized. Subsequently, attention is given to factors influencing post-divorce visitation arrangements, father involvement in parenting, and the relationship between child support payment and visitation. Major limitations of the studies are pointed out, and the need for research on the dynamic interface between child support payments and post-divorce spousal and father/child relationships is indicated. (RH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☒ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

ED250079

PATTERNS AND IMPLICATIONS OF CHILD SUPPORT AND ENFORCEMENT PRACTICES FOR CHILDREN'S WELL-BEING

Joyce Everett

1984

The research reported here was funded in part by the National Science Foundation.

PS 014647

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY
Ctr. for Res. on Women, Wellesley College
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

WORKING PAPER
NO. 128

Wellesley College
Center for Research on Women
Wellesley, MA 02181

BEST COPY AVAILABLE

PATTERNS AND IMPLICATIONS OF CHILD SUPPORT AND
ENFORCEMENT PRACTICES FOR CHILDREN'S WELL-BEING

Child support —— the legal obligation to provide for the economic support of children who no longer reside with their natural or adoptive parents —— has become a viable policy alternative for supplementing the family incomes of women who head their own families. It is also unquestionably one of the major strains in the relationships among divorced spouses and their children. Noncustodial fathers, though absent from the home, have a potentially significant and long-lasting psychological influence on the lives of their children and their former spouses. The influence of the noncustodial father is felt, whether the father pays child support or continues to visit following separation or divorce or whether the father abandons the family entirely after a marital disruptiuon. Few empirical studies, however, have addressed the interaction of economic and psychological factors on family relationships after a marriage dissolves. Instead, economic and psychological consequences have been examined in separate arenas. Unfortunately, traditional conceptualizations of the economic and psychological consequences of divorce have not encouraged the development of social policies regarding child support.

Yet, increasing public attention in the area of child support has resulted in a flourishing body of knowledge relating to the connections between child support and family relationships after divorce. This paper will review empirical studies regarding the enforcement of the child support obligation and the recent research on coparental interactions and father-child visitation. The paper begins with an overview of the

incidence of child support awards among demographically eligible women.

Until recently, the issue of child support and its enforcement was perceived as a problem affecting only a small proportion of the population. However, the unprecedented growth in female headed families during the decade of the 1970's forced greater recognition of the economic and psychological hardships associated with single parenthood. Of all single parents, women with the sole custody of children experience the most severe decline in family income. Although a large proportion of female heads are in the labor force, their lack of education and seniority confine them to low-paying jobs (Brandwein, Brown, and Fox, 1974). Moreover, only about one-third of all female heads receive child support. The remaining two-thirds do not receive child support payments either because the courts have not awarded a child support order or because their husbands have failed to pay the amount ordered.

Over eight million women are raising at least one child whose father is absent from the home, according to a Spring, 1982 Census Bureau survey. Only 59 percent of these mothers --- some five million --- had been awarded child support. Of those women who were supposed to be receiving payments in 1981, 37 percent received less than half of what they were supposed to; 28 percent received nothing; and 47 percent received the full amount. According to the Census report, there was no evidence of a difference between the proportion of women receiving partial payments and those who received no payments at all (Current Population Report, 1980).

Though empirical literature on child support is scant, in recent years, descriptions of the socioeconomic characteristics of the

demographically eligible female population (i.e., the population of divorced, legally separated, and never married women having a legal right to receive child support orders), have provided information about the female heads most likely to receive child support payments (Current Population Studies, 1979 and 1980; MacDonald, 1979; Jones, et. al., 1975). For example, Census data indicate that the incidence of court ordered child support is higher among educated, employed, divorced women than among separated and never married minority women (Current Population Studies, 1979).

A considerable portion of the existing research has been directed toward understanding the factors determining payment performance (Jones, et. al., 1976; Cassetty, 1978; Chambers, 1979). Though the results of these studies were inconclusive their findings suggest that there is a relationship between the father's ability to pay and the observed patterns of payment which seemingly coincide with the age, occupation, marital status, race and residential proximity of the fathers. While the patterns of payment performance were the earliest subject of study (Eckhardt, 1965; 1968), indicating an immediate and continuing decline in payments over time, these findings were later challenged by subsequent analyses (Chambers, 1979). Specifically, Eckhardt who conducted a ten year longitudinal study of 163 fathers with child support orders awarded at the time of divorce found, "...that fathers were unlikely to contribute to the support of their children immediately following divorce and were even less likely to do so with the passage of time, much less to the time of maturity" (Eckhardt, 1968). During the first years of the support order a

little more than 40 percent of the fathers made no payments at all. By the sixth year, over 70 percent of the sampled fathers were making no payments. Of the 163 defendants in the sample, 84 percent were in defiance of the court order some time during the ten year interval, but only 36 percent of those eligible for prosecution had legal action initiated against them.

A total of 116 contempt actions were initiated during the ten year study, but these actions were confined to a select group of men. Of the 137 men ever eligible for legal action, 92 had no formal contact with the courts. While forty-five men were charged with contempt, 69 percent of these men (N=31) had more than one contempt action initiated against them. Eckhardt found that the subsample of men most likely to have had legal action initiated against them: (1) were blue collar workers; (2)were fathers of AFDC dependent children; and (3) had a prior legal history. Furthermore, the men who were imprisoned on the charge of nonsupport tended to be involved in other legal violations at the time of commitment. Eckhardt concludes that violations of nonsupport were used as a vehicle for the imprisonment of those defendants who "...ran afoul of the law through other violations"(Eckhardt, 1968).

Fourteen years later, Chambers examined the pattern of payment performance using a sample of 411 divorced males in Genessee County, Michigan. Chambers found that during the first years of the support order, 49 percent of the men paid all of the ordered amount, 35 percent were partial payers, and only 16 percent paid none of the ordered amount. Over time, Chambers found that the portion of full paying men in Genesse County actually increased. Fifty-eight percent were high payers in the sixth year

of the order, with 18 percent being partial payers and 24 percent low payers. However, in the previous study (Eckhardt, 1965), higher proportions of non-paying and partial paying fathers were reported than in the Chambers' study. Of the total 410 cases examined by Chambers, only 43 required no enforcement efforts during the six year study. Forty-nine cases required only one enforcement attempt, while in 166 (39 percent) of the sampled cases six or more efforts by the Friend of the Court were initiated to obtain support payments. The majority of the enforcement efforts initiated by the Friend of the Court were in the form of warning letters and telephone calls. One hundred and sixty-four men (40 percent) were placed under a wage assignment at least once during the six year study. In only 17 percent of these cases was the wage assignment the first recorded enforcement effect.

According to Chambers, three factors explain the differences in payment performance across the twenty-eight counties examined as part of this study of the Friend of the Court system in the state of Michigan. These factors were: (a) an aggressive enforcement process; (b) the rate of jailing; (c) the size of the county population. Counties that initiated enforcement efforts in nonwelfare cases without waiting for formal complaints from mothers were particularly successful in collecting more child support. Counties with high jailing rates and self-starting enforcement systems were also successful collectors of child support. Finally, counties with relatively small populations reported much higher compliance rates than those with populations over 100,000. Apparently, the attitudes of city dwellers regarding the support obligation and the greater

insulation of city dwellers from the enforcement process explained the low rates of compliance in large counties. Both of these studies demonstrate that child support enforcement does affect payment performance, though its effectiveness is short-lived, necessitating subsequent enforcement efforts as early as six to twelve months later.

The applicability of Chambers' findings are limited since Michigan, unlike the remaining 49 states, has established a unique organizational structure to oversee the enforcement of child support orders. "For over fifty years, each county government in Michigan has maintained an agency known as the Friend of the Court which is responsible for receiving child support payments from parents under orders of support after divorce or adjudication of paternity" (Chambers, 1979). The Michigan Friend of the Court is responsible for monitoring child support payments and sending out warnings when payments are in arrears, without awaiting a complaint. Use of the Friend of the Court makes Michigan's collection process quite unique.

While confirming the deterrent effects of enforcement action on compliance behavior, the significance of the Chambers study is limited for two reasons. First, the study is not based on a representative sample of the demographically eligible population. The omission of low income never-married and formally separated individuals with support obligations restricts generalization to a small segment of the population. Moreover, the study was additionally limited because of its reliance on existing court records for information. The accuracy and completeness of agency records determine to a large extent the reliability and validity of

research findings. Studies based on first-hand accounts drawn from personal interviews and cross tabulated with agency records would reveal a more complete and accurate portrayal of the quality and effect of enforcement action on compliance behavior. The same two criticisms are applicable to the Eckhardt study as well.

Despite the relative importance of assessing the determinants of payment performance and the effects of enforcement action on compliance behavior, few studies have examined the connection between support payment performance, post-divorce spousal and father-child relationships. Yet there is ample evidence to substantiate the deterimental effects of divorce on the behavior of young children (Hetherington, et.al., 1978; Wallerstein and Kelly, 1980). According to this research, the relationship of the noncustodial father to both the former spouse and the child were critical factors affecting the child's adjustment. Specifically, the reduction of the child's psychological distress following divorce was strongly associated with the father's continued involvement within the context of a mutually supportive and cooperative coparental relationship. The court's intervention at the time of divorce, in matters such as custody, visitation, and child support, is designed to structure the formal ties between members of disrupted families. However, the interface between support payment, visitation, and coparental relationships is both more complex and unwieldy.

Factors influencing post-divorce visitation arrangements have been examined in a paucity of clinical and exploratory investigations. For example, Wallerstein and Kelly have found that the patterns of the

relationships within the family before divorce were not related to the visiting patterns after divorce. Rather, the visiting patterns of noncustodial parents were primarily related to the father's feelings about the divorce, the age of the children, and the children's responsiveness. Divorced fathers initially experience a range of feelings after divorce that may significantly affect their subsequent visitation patterns. There is a loss of identity, family structure, status within the family, roots and continuity of family life, and there is a particularly poignant sense of loss associated with the altered father-child relationship (Dominic and Schlesinger, 1980; Keshet and Rosenthal, 1978; Jacobs, 1982). The divorced father is no longer part of the day-to-day life of the child, but is abruptly relegated to a visitor status. In many respects, the visitation rights granted the noncustodial father by the court increases the discomfort of the father. For one, noncustodial fathers who are restricted to isolated weekly visits, are seldom available when the child really needs them. Atkin and Rubin (1976) found, for example, that fathers tend to feel that their authority as parent had been taken away. Findings from a later study (Dominic and Schlesinger, 1980) suggest that fathers who settled custody in court never accepted the court's decision and generally felt that the children suffered by being with their mothers. Conversely, fathers who settled custody arrangements without the court's intervention seemed to accept their role as part-time fathers. These men had unrestricted visiting rights and maintained telephone contact with the children between visits.

Distressed and guilt-ridden about the divorce, fathers lose

confidence in their parenting ability and fail to recognize the necessity for adapting to their non-traditional, part-time parenting roles. Ill prepared for a visitor status, many fathers cope by distancing themselves from the parent-child relationship (Jacobs, 1982). Palmer (1969) reports that parental visits decline over time because other interests arise for both the father and the child, particularly when visitation is associated with emotional strain. Infrequent parental visits are therefore attributed to the emotional outbursts of the child and the guilt the absent parent feels about the divorce and his/her absence from the home.

While hostility, anger, bitterness, and guilt characterize the interactions between ex-spouses during the initial months of separation, recent studies indicate that divorced couples continue to share their childrearing responsibilities for at least one year following divorce. The content and quality of interactions between former spouses however varied considerably (Goldsmith, 1980; Ahrons, 1981). Parents who interacted frequently about their parental roles and other matters tended to have mutually supportive and cooperative coparental relationships. In these small scale studies, comparative analyses of mothers and fathers revealed significant sex differences in perceptions of father involvement. Divorced women were inclined to minimize the amount of father involvement, while divorced men perceived themselves to be more involved and supportive. Obviously, then, assessments of the views of both parents are required to accurately reflect different realities. Furstenberg (1983), however, found little evidence of a substantial increase in the number of single parent couples who shared their parenting responsibilities. In this analysis of a

nationally representative sample of children age 11 to 16 in 1981, Furstenberg examined (1) the incidence of marital disruption in children's lives; (2) the type of living arrangements children experience following a disruption; and, (3) the amount of contact children maintain with the outside parent. Among the findings regarding father-child contact, Furstenberg reports that weekly contacts were slightly more likely to occur among better educated or nonminority respondents. The difference in weekly contact among less educated and minority respondents was not, however, as large as would be expected.

Though data from the Furstenberg study shed light on the incidence and nature of single parent lifestyle, the sample used omitted children under the age of ten. Consequently, generalizations about the amount of father-child contact are restricted to the population of pre-adolescent and adolescent children. At this developmental stage, contact between fathers and their children may naturally decline as children seek to establish their own identities and develop other interests usually shaped by their peers. Moreover, the analysis of data on father-child contact was restricted to a segment of the sample --- children from separated and divorced families. However, in reporting data on father-child contact, Furstenberg does not designate differences in the amount of contact by marital status grouping. There may have been significant differences in the visitation patterns of separated and divorced fathers. Previous research (Keshet and Rosenthal, 1981) suggests that visitation patterns established soon after separation are likely to continue following divorce.

Several studies examine the extent to which former spousal

relationships influence visitation (Palmer, 1969; Goldsmith, 1980; and Anderson-Kleif, 1982), however, only one shows that the degree to which parents share in childrearing and the mother's attitude toward the father as a parent were significant predictors of father involvement (Ahrons, 1983). Conflict over unreliable child support payments and unpredictable visitation patterns significantly affect maternal attitudes toward the father as a parent. Mothers, according to Anderson (1982), prefer a pattern of routine, reliable support payments and yet limited, bounded contact with the child. Contrary to maternal preferences, fathers want to maintain open, flexible access to their children. Few of the 26 fathers interviewed by Anderson objected to the payment of child support, though, for many, the child support settlement consumed a fairly high proportion of their net income. Divorced fathers and mothers, then, are typically impelled to act from opposite directions. Since mothers usually retain the custody of minor children, maternal attitudes and perceptions of the father's parenting may affect children's behavior and the amount and quality of father-child visitation.

Two recent studies examined the relationship between child support payment and visitation. Wallerstein and Huntington (1983) conducted a longitudinal, clinical investigation of fifty-five largely white, middle-class families between 1971 and 1977. The findings from this study indicated that the relationship between child support and visitation, while negligible at the time of separation, grew increasingly important over the years that followed. The frequency, duration and patterning of visits and the flexibility of the parent to the child were all significantly linked to

child support by the five year mark (Wallerstein and Huntington, 1983). Furstenberg (1983) also found the provision of child support along with the residential propinquity of the outside parent and the length of time since separation were significant factors accounting for the amount of contact between fathers and children. Furstenberg found that the level of contact was directly related to the provision of child support in that the payment of support rather than the amount of support was related to father-child contact.

Summary:

Empirical literature on the linkage between child support, post-divorce spousal and father-child interaction may be scant, though the number of studies in this area have increased in recent years. The major limitations of these studies are: small sample sizes based on nonprobability sampling techniques; lack of representation with respect to race and sex differences; and too few studies designed to test hypotheses rather than describe phenomena. In spite of these flaws, the studies do represent long-needed efforts to provide empirical data substantiating or refuting conventional theory and popular opinion regarding the complex relationship between child support payments and the interpersonal relationships among divorced families.

In general, the findings from these studies provide: confirmation of the continued interactions between former spouses following divorce; substantiate the prediction that maternal attitudes toward the father as a parent and interaction about child-rearing influence the pattern of parental visitation; and indicate that there is a direct relationship

between the provision of child support and visitation. In these studies, however, visitation patterns are linked to the payment of child support and not the enforcement of the support order. Since previous research indicates that child support payments decline over time, the advent of enforcement action in most cases of divorce is inevitable. By ignoring the effects of child support enforcement actions on subsequent compliance behavior and family interactions, these studies present a static-fixed model. The implication of this model is that the pattern of support payment and family interaction is unlikely to change with the occurrence of enforcement action for nonsupport. It is therefore logical to presume that adjustments and adaptations made during the period of divorce are critical in predicting the effects of enforcement action.

The static fixed model limits out understanding of the dynamic interface between child support payments, post-divorce spousal and father-child relationships. Future empirical studies based on theoretical models that examine the effects of enforcement intervention on compliance behavior and interactions among custodial and noncustodial parents are needed. Though post-divorce adjustments may influence the pattern of child support payment and the interpersonal relationships among members of disrupted families, subsequent enforcement proceedings ——as an intervening variable—— may have differential effects of future compliance behavior and changes in the interpersonal relationships among family members.

BIBLIOGRAPHY

Ahrons, C. Predictors of paternal involvement postdivorce. 6(3) Journal of Divorce. 1983.

Ahrons, C. The continuing coparental relationship between divorced spouses. 5(3) American Journal of Orthopsychiatry. 1981.

Alexander, S. Influential factors on divorced parents in determining visitation arrangements. 3 Journal of Divorce. 1980.

Anderson-Kleif, S. Divorced but not disastrous, New Jersey: Prentice-Hall. 1982.

Atkin, E. and Rubin, E. Part-time father. New York: Vanguard Press, Inc. 1976.

Brandwein, R., Brown, C. and Fox, E. Women and children last: The social situation of divorced mothers and their families. Journal of Marriage and the Family. 1974.

Cassetty, J. Child support and public policy. Lexington, Massachusetts: Lexington Books, 1978.

Cassetty, J. The parental child-support obligation, Lexington, Massachusetts: Lexington Books, 1983.

Chambers, D. Making fathers pay. Chicago: University of Chicago Press, 1979.

Dominic, K. and Schlesinger, B. Weekend fathers: Family shadows. 3 Journal of Divorce. 1980.

Eckhardt, K. Divorce, visibility and legal action. Social Problems. 1968.

Eckhardt, K. Social change, legal controls and child support. Unpublished

dissertation, University of Wisconsin, 1965.

Furstenberg, F., et. al., The life course of children of divorce. 48(6) American Sociological Review. 1983.

Goldsmith, J. Relationships between former spouses. 4(2) Journal of Divorce. 1980.

Hetherington, E.M., et.al., Divorced fathers. Family Coordinator. 1976.

Jacobs, J. The effect of divorce on fathers: An oveview of the literature. 139(10) American Journal of Psychiatry. 1982.

Jones, C., Gordon, N. and Sawhill, I. Child support payments in the United States. Washington, D.C.: Urban Institute. 1976.

Keshet, H. and Rosenthal, K. Fathering after marital separation. Social Work. 1978.

MacDonald, M. Collecting child support for AFDC mothers. Madison, Wisconsin: Institute for Research on Poverty. 1979.

Palmer, S. Parents and children in divorce. Ottawa: National Health and Welfare. 1969.

U.S. Census bureau. Divorce, child custody and child support. Washington, D.C.: Current Population Reports, Special Studies Service, No. 84 1979.

U. S. Census Bureau. Child support and alimony, 1981. Washington, D.C.: Current Population Reports. Advance report, Special Studies Series. No. 106. 1980.

Wallerstein, J. And Huntington, D. Bread and roses: Nonfinancial issues related to father's economic support or their children following divorce. in Cassetty, J. (ed.) The parental child support

obligation. Lexington, Massachusetts: Lexington Books, 1983.

Wallerstein, J. and Kelly, J. Effects of divorce on the visiting father-child relationship. 137(12) American Journal of Psychiatry. 1980.

Wallerstein, J. and Kelly, J. Surviving the breakup. New York: Basic Books. 1980.